

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Conor O'Shea	Team: Squad #6	CCRB Case #: 201808314	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 09/24/2018 1:30 AM	Location of Incident: West 50th Street between 8th Avenue and 9th Avenue; 18th Precinct stationhouse	Precinct: 18	18 Mo. SOL 3/24/2020	EO SOL 11/8/2020	
Date/Time CV Reported Tue, 10/09/2018 9:30 AM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 10/09/2018 9:30 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jose Ramos	01917	940611	MTN PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Diamond Speller	18746	953435	MTN PCT
2. POF Jamella Abdulai	11252	948581	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jose Ramos	Abuse: On West 50th Street between 8th Avenue and 9th Avenue in Manhattan, Sergeant Jose Ramos forcibly removed § 87(2)(b) to the hospital.	
B.SGT Jose Ramos	Abuse: Inside of the 18th Precinct stationhouse, Sergeant Jose Ramos threatened to arrest § 87(2)(b)	
C.SGT Jose Ramos	Force: Inside of the 18th Precinct stationhouse, Sergeant Jose Ramos used physical force against § 87(2)(b)	
§ 87(2)(g), § 87(4-b)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On October 9, 2018, § 87(2)(b) filed this complaint in person at the CCRB. This case was reassigned to the undersigned Investigator on November 29, 2018.

On September 24, 2018, at approximately 1:30 a.m., § 87(2)(b) a transwoman, was walking on West 50th Street between 8th Avenue and 9th Avenue in Manhattan when she was assaulted by two men in an apparent hate crime. The assailants fled and § 87(2)(b) flagged down a nearby patrol car operated by Police Officer Jamella Abdulai and Police Officer Diamond Speller, both of the 18th Precinct. PO Abdulai and PO Speller gave chase but were only able to catch one of the assailants, whom they arrested. Shortly thereafter, Sergeant Jose Ramos, also of the 18th Precinct, arrived on scene to verify the arrest. After PO Abdulai and PO Speller drove away with the assailant, Sgt. Ramos handcuffed § 87(2)(b) and forcibly removed her to the hospital (**Allegation A: Abuse of Authority**, § 87(2)(g)). A few hours later, § 87(2)(b) was released from the hospital and entered the 18th Precinct stationhouse. Sgt. Ramos repeatedly ordered § 87(2)(b) to leave the stationhouse and allegedly threatened to arrest her if she refused to do so (**Allegation B: Abuse of Authority**, § 87(2)(g)). Sgt. Ramos allegedly grabbed § 87(2)(b)'s arm, put it behind her back, and pushed her toward the door of the stationhouse (**Allegation C: Force**, § 87(2)(g), § 87(4-b)).

Body-worn camera footage from PO Speller (**Board Review 01**) and PO Abdulai (**Board Review 02**) captured the majority of the incident at the scene of § 87(2)(b)'s assailant's arrest, whereas body-worn camera footage from Sgt. Ramos (**Board Review 03**) captured only a brief moment of the incident as § 87(2)(b) was being removed to the hospital. The body-worn camera footage and corresponding summaries for PO Speller, PO Abdulai, and Sgt. Ramos can be found in IAs #21 and #69, #20 and #70, and #22 and #59, respectively. Stationhouse footage (**Board Review 04**) was also received from the 18th Precinct stationhouse but it did not capture the portion of the incident that occurred at that location. The stationhouse footage can be found in IA #26, and its summary can be found in IA #67.

Findings and Recommendations

Allegation A—Abuse of Authority: On West 50th Street between 8th Avenue and 9th Avenue in Manhattan, Sergeant Jose Ramos forcibly removed § 87(2)(b) to the hospital.

The following facts are undisputed. On September 24, 2018, at approximately 1:30 a.m., § 87(2)(b) who is a transwoman, was walking alone when she was assaulted and robbed by two men in an apparent hate crime. § 87(2)(b) flagged down PO Abdulai and PO Speller, who were driving by, and the officers chased after the suspects. They were able to catch one individual, whom they arrested. § 87(2)(b) refused to go to the hospital for her minor injuries from the assault and was interviewed on-scene by PO Abdulai and PO Speller. Shortly thereafter, Sgt. Ramos arrived and verified the assailant's arrest after speaking with PO Abdulai. § 87(2)(b) PO Abdulai, and Sgt. Ramos all yelled at one another and argued about the specifics of § 87(2)(b)'s assault. PO Abdulai and PO Speller drove the suspect back to the stationhouse while Sgt. Ramos remained on scene with § 87(2)(b) and attempted to question her further about the attack. § 87(2)(b) and Sgt. Ramos continued yelling at, and arguing with, one another. Eventually, Sgt. Ramos handcuffed § 87(2)(b) and forcibly removed her to the hospital. § 87(2)(b) was transported via ambulance to nearby § 87(2)(b) Hospital. § 87(2)(b) never expressed a

desire to hurt herself or others, and did not want to go to the hospital for any purpose. § 87(2)(b) was neither arrested nor issued any summonses. No AIDED reports or TRI reports were prepared in regards to this incident.

Body-worn camera footage from PO Abdulai (**Board Review 01**) and PO Speller (**Board Review 02**) depicts § 87(2)(b) acting agitated and upset while speaking with the officers, insofar as she repeatedly raises her voice, swears, rapidly gesticulates with her hands, and repeatedly refuses to answer the officers' specific questions. In the few minutes of audio that Sgt. Ramos' body-worn camera footage (**Board Review 03**) does capture—apparently at the end of the incident—§ 87(2)(b) is heard asking for her phone back while an unidentified man orders her to put her hands behind her back.

§ 87(2)(b) (**Board Review 05**) testified that she became upset with Sgt. Ramos due to his repeated questioning and his refusal to tell her where the stationhouse was so she could “press charges” against her assailant. Sgt. Ramos dismissed § 87(2)(b)'s concerns and told her someone from the NYPD would contact her. Sgt. Ramos handcuffed § 87(2)(b) led her to an ambulance, and had her removed to § 87(2)(b) Hospital against her will. § 87(2)(b) was not admitted at the hospital, but rather was discharged from the emergency room a few hours later.

Sgt. Ramos testified (**Board Review 06**) that the only observation he made about § 87(2)(b) when he first arrived on scene was that she appeared to be a transgender individual. § 87(2)(b) had no visible injuries. § 87(2)(b)'s demeanor was “very heightened,” insofar as she was yelling and screaming and was generally uncooperative with PO Abdulai and PO Speller. § 87(2)(b) refused to answer the officers' follow-up questions about her assault. Sgt. Ramos did not initially suspect that § 87(2)(b) was in a state of psychological crisis. While Sgt. Ramos questioned § 87(2)(b) further about her assault, she refused to answer his questions while continuing to yell and act “heightened,” which Sgt. Ramos clarified meant the volume of her voice, her demeanor, and her facial expressions. When Sgt. Ramos asked § 87(2)(b) to accompany him to the exact location of the assault, she refused to do so and became “irate.” Sgt. Ramos then admittedly lost his patience and began yelling back at § 87(2)(b) in English and in Spanish. Still, however, Sgt. Ramos had not changed his initial assessment of § 87(2)(b)'s mental state: she did not appear to be in a state of psychological crisis.

Sgt. Ramos attempted to re-interview § 87(2)(b) for five to 10 minutes after PO Abdulai and PO Speller left the scene, to no avail. Sgt. Ramos bid § 87(2)(b) goodnight, turned around, and began to walk away. After walking for approximately five feet, Sgt. Ramos felt an object hit him in the back of the head. He turned around and saw § 87(2)(b)'s cell phone at his feet, which led him to believe that she had thrown her cell phone at him. At this point, and at no point sooner, did Sgt. Ramos change his assessment of § 87(2)(b)'s mental state and believed that she needed to be removed to the hospital for a psychiatric evaluation. Sgt. Ramos provided only three reasons for believing this: first, § 87(2)(b) was the recent victim of a crime; second, her emotional state was “heightened”; and third, she threw her cell phone at him. Sgt. Ramos believed he had probable cause to arrest § 87(2)(b) for second-degree assault but decided not to do so because she was a crime victim and he thought that a psychiatric evaluation was better for her.

§ 87(2)(b)'s medical records (**Board Review 07**) from § 87(2)(b) Hospital's emergency room, a summary of which can be found in the Detailed IA attached to IA #65, were generally consistent with her depiction in the body-worn camera footage, as well as with testimony from both § 87(2)(b) and Sgt. Ramos. The medical records indicate that § 87(2)(b) was “emotionally labile but redirectable [sic],” meaning that her emotions were fluctuating but she was still able to have a conversation and be redirected to the task at hand, but was not in

distress and remained alert and oriented to person, place, and time. The Registered Nurse's intake note in § 87(2)(b)'s medical records indicate that § 87(2)(b) became "violent" with NYPD officers, and had thrown her cell phone at a police officer and was spitting before being brought to the emergency room. The source of this information, however, is not clear from the medical records provided.

NYPD Patrol Guide Procedure 221-13 (**Board Review 08**) requires that members of service take into protective custody and remove to the hospital any individual that a member of service reasonable believes is an Emotionally Disturbed Person, the definition of which is twofold, and applies only if a person both "appears to be mentally ill or temporarily deranged" and "is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others."

§ 87(2)(b), § 87(2)(g)

Allegation B—Abuse of Authority: Inside of the 18th Precinct stationhouse, Sergeant Jose Ramos threatened to arrest § 87(2)(b)

Allegation C—Abuse of Authority: Inside of the 18th Precinct stationhouse, Sergeant Jose Ramos used physical force against § 87(2)(b)

The following facts are undisputed. After being released from the hospital, § 87(2)(b) walked a short distance to the 18th Precinct stationhouse, went inside, and spoke with Sgt. Ramos. § 87(2)(b) remained agitated and refused to leave the stationhouse when Sgt. Ramos ordered her to do so. Eventually, § 87(2)(b) left the stationhouse of her own accord. Video footage from the stationhouse (**Board Review 04**) does not capture this interaction between Sgt. Ramos and § 87(2)(b).

§ 87(2)(b) (**Board Review 05**) testified that Sgt. Ramos threatened to arrest her if she did not leave the stationhouse, and she told him to do so. Afterwards, he grabbed her arm and pulled it behind her back, and pushed her toward the door. § 87(2)(b) did not fall down as a result of the push. § 87(2)(b) left the stationhouse after being inside for approximately two or three minutes and not more than 10 minutes. § 87(2)(b) was unable to further describe the manner in which Sgt. Ramos pushed her. When asked to provide additional details of the push, § 87(2)(b) asked the investigators whether it was possible for Sgt. Ramos to have pushed her with his feet, and stated that the investigators were asking stupid questions. § 87(2)(b) said the

cameras in the stationhouse would have captured the incident anyway. When the investigators explained to § 87(2)(b) that the CCRB would request footage but still needed as detailed a description from her as possible, she insisted that she was not lying and reiterated that the interaction must have been caught on video.

Sgt. Ramos (**Board Review 06**) testified that he ordered § 87(2)(b) to exit the stationhouse multiple times and that she initially refused to do so, but he did not remember whether he threatened to arrest § 87(2)(b). Sgt. Ramos further testified, however, that refusing an officer's order to exit a stationhouse, as a general matter, is an arrestable offense, specifically: Trespass. Sgt. Ramos denied making any physical contact with § 87(2)(b) inside of the stationhouse. Sgt. Ramos denied § 87(2)(b)'s specific force allegation, in particular, and any uses of force, in general.

In New York State, the violation of Trespass occurs when a person “knowingly enters or remains unlawfully in or upon premises.” NY Penal Law § 140.05 (**Board Review 09**). Once a police officer orders an irate civilian to leave a stationhouse, that civilian's “license to be in the area” is “revoked.” People v Reape, 22 Misc. 3d 615 (Crim. Ct., New York County 2008) (**Board Review 10**). As such, when a civilian remains in the stationhouse after an officer orders him or her to leave, he or she commits Trespass. Reape, supra.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(4-b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

[illegible][illegible]

Civilian and Officer CCRB Histories

- This is the only CCRB complaint to which § 87(2)(b) has been a party (**Board Review 14**).
- Sgt. Ramos has been a member of service for 13 years and has been a subject in three additional CCRB complaints and four allegations, none of which were substantiated. Sgt.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of November 8, 2018, the New York City Office of the Comptroller has no record of Notice of Claim being filed in regards to this complaint (**Board Review 15**).

• § 87(2)(b)

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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